

Serial No. 10/751,274
Docket No. SHE0063.00

REMARKS

I. The Restriction Requirement:

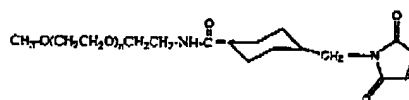
The Examiner has required restriction to one of the following inventions under 35 U.S.C. §121:

- I. Claims 1-80 and 112-129, drawn to water-soluble polymers (classified in class 525, subclass 326.1);
- II. Claims 81-104 and 130, drawn to a method of forming maleimide-terminated polymers (classified in class 525, subclass 374);
- III. Claims 105-108, drawn to conjugates (Classified in class 525, subclass 326.1); and
- IV. Claims 109-111, drawn to methods of forming conjugates (classified in class 525, subclass 343).

The Examiner has further required election of a single disclosed species of water-soluble polymer.

II. Response to the Restriction Requirement:

In response, Applicants hereby elect Group III, claims 105-108, *with traverse*, and the



water-soluble polymer comprising the following structure:

(i.e., the third structure shown on page 75 of the specification), *with traverse*. The claims that are readable on these elections include claims 105-108.

Traverse is premised on the ground that a combined search of all four Groups does not impose an undue burden on the Examiner. As stated in the Manual of Patent Examining Procedure ("MPEP"),

[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

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See M.P.E.P. Section 803.

Here, all the Groups identified by the Examiner have been assigned to the same class (i.e., class 525), thereby suggesting that a search of potential art in this classification is simultaneously useful for each of the restricted Groups. In view of the above, it is therefore believed that search and examination of the entire application can be made without serious burden to the Examiner. Consequently, reconsideration and removal of the requirement for restriction are respectfully requested.

In addition, with respect to the requirement to elect a specific species of water-soluble polymer, Applicants emphasize that the claims recite elements (e.g., conjugate, biologically active agent, and so forth) that can be easily searched to narrow the amount of relevant prior art the Examiner must consider. Once the prior art is narrowed in this way, Applicants believe that a search for all water-soluble polymers within the remaining relevant prior art can be performed without imposing an undue burden on the Examiner.

Finally, Applicants emphasize that election of a specific species of water-soluble polymer is for initial search purposes only and that Applicants will be entitled to consideration of additional species upon the allowance of a generic claim as provided by 37 C.F.R. §1.141.

III. Conclusion:

In view of the foregoing, Applicants submit that the all of pending claims satisfy the requirements of patentability and are therefore in condition for allowance. Consequently, a prompt mailing of a Notice of Allowance is earnestly solicited.

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If a telephone conference would expedite the prosecution of the subject application, the Examiner is requested to call the undersigned at (650) 620-5506.

Respectfully submitted,
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